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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LEHMAN BROTHERS BANK, FSB,

Plaintiff,

-against-

STORE IT, GP and SETH KINCAID,

Defendants.
-----X

No.: 07 Civ. 9502 (LAP)

**STIPULATION AND ORDER OF
DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)(2)**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the respective parties hereto that, pursuant to a Settlement Agreement executed by the parties and dated May 8, 2008, plaintiff Lehman Brothers Bank, FSB hereby voluntarily dismisses any and all claims against defendants Store It, GP and Seth Kincaid, with prejudice. It is further stipulated and agreed that each party shall bear its own costs and expenses.

Dated: New York, New York
May 9, 2008

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By: [Signature]
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(00038378)

The Clerk of the Court Shall
mark this action closed and all
pending motions denied as moot.

SO ORDERED:

[Signature]
LORETTA A. PRESKA, U.S.D.J.

May 19, 2008